Committee on Energy and Commerce

Opening Statement
of
Subcommittee on Oversight and Investigations Ranking Member Diana DeGette

Safety of the U.S. Food Supply: Continuing Concerns Over the Food and Drug Administration's Food-Recall Process"

Thank you, Mr. Chairman. As you know, food safety is not a new issue for this Committee. Many of the challenges we will hear about today remind me of the same issues we have dealt with over the past decade.

For instance, this Committee held a hearing in 2008 on a major Salmonella outbreak that had infected over 1,300 people in 43 states. As that case illustrated, we lacked basic controls over food recalls, including traceability. FDA and CDC originally identified tomatoes as the likely cause of the outbreak, but FDA later traced it to jalapeños.

This was frustrating to us all, because lives were at stake, and the federal response was slow and inefficient. And yet, that case demonstrated that the response to an outbreak is not as simple as just pulling all suspected products off the shelves, because entire industries can be devastated. It was clear then—as it is now—that FDA needs the ability to respond to a multitude of different situations that pose risks to the public health.

In response to incidents like that, Congress passed the FDA Food Safety Modernization Act in 2011, to give FDA more tools to prevent and respond to outbreaks. This included new authority to issue mandatory recall orders, and requirements for manufacturing firms to have recall plans in place.

But now, 7 years after we passed FSMA, the Office of Inspector General has a new report that points to some of the same issues this Committee has been hearing about for years. Despite the progress FDA has made, we are still not where we need to be.

OIG found that despite more power to oversee manufacturing firms that produce potentially hazardous food, FDA is not doing enough to monitor firms during a recall. There were sometimes long delays in getting firms to recall all of their affected product, or even to provide FDA with basic information.

In addition to insufficient oversight of firms, FDA also has weaknesses in its own recall responses. For instance, it is critical for the public to understand the risk that a food product may present. But OIG found that FDA was sometimes slow to evaluate the health hazard posed by a contaminated product.

That is not to say these cases are easy and the answer is always clear. FDA is dealing with many recalls every year, each of which presents its own complexities and challenges. That being said, it seems that FDA can do more to improve the food safety system.

OIG's report presents multiple recommendations for FDA, such as improving its policies and procedures for managing recalls and monitoring firms. However, I would like to hear more from OIG about what specific, meaningful steps it thinks FDA should take. A few more procedure documents and guidance manuals are not enough—we need to know what actually needs to change to better protect the American public.

As FDA continues to implement provisions of FSMA, this Committee needs to hear how the law is working, what more FDA needs to do, and how Congress can help. I look forward to hearing the witnesses' perspectives, and I thank you both for being here today.

I yield back.